IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Claus Pedersen
Title:	METHOD AND SYSTEM FOR FETCHING CONTENT FROM A SERVER IN A CELLULAR COMMUNICATION SYSTEM
Appl. No.:	10/009,499
International Filing Date:	6/9/2000
371(c) Date:	5/30/02
Examiner:	NGUYEN, Cindy
Art Unit:	2161
Confirmation Number:	4966

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

The Examiner has again objected to the specification as allegedly not providing proper antecedent basis for "a computer-readable medium." In the Office Action dated September 15, 2009, the Examiner fails to address Applicant's arguments submitted in the reply filed June 9, 2009. Applicant respectfully requests reconsideration of those arguments.

Claims 24-30, 32-35 and 47-59 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0109706 to Lincke et al. (hereinafter "Lincke") in view of alleged Applicant's admitted prior art (APA).

Embodiments of the present application ensure that a cellular phone has received the latest content which could be relevant to a user. In accordance with embodiments of the present invention, the phone requests a copy of first content and a copy of link content simultaneously, and a gateway or proxy sends a copy of the first content and the copy of the link content simultaneously to the phone. Thus, if the user wants to receive further content which is linked to the first content, it is not necessary for the user to access the content before using the content in off-line browsing. In this way, the user is able to fetch the latest content from a server and use it when he/she is going off-line.

Linke discloses a system intended to provide the user with prior notice of subsequent action characteristics via a sensory cue (see abstract and paragraphs [0017] & [0054]). Informing the user of the data communication characteristics before the user selects the data communication action, appropriately sets a user's expectations regarding data communication characteristics. For example, a portable communications device can display a wireless link icon next to a user interface graphic element. The user interface element is used to select a wireless transaction and the wireless link icon informs the user that the subsequent action corresponding to the user interface element requires wireless communication and the expense and time associated therewith. See Linke, paragraph [0018].

Thus, contrary to embodiments of the present invention, Linke is unrelated to off-line browsing. Rather, Linke requires on-line access so that, if the user selects subsequent action in the form of data communication, then data communication can take place. Further, while embodiments of the present application provide for simultaneously fetching of first content and link content, Linke merely discloses receiving content sequentially, not simultaneously. Further, Linke fails to teach or suggest receiving a request comprising an instruction to the server to send a copy of a first content from a location in the server together with a copy of link content simultaneously and effectuating a process of simultaneously fetching the copy of the first content and the link content from the server, as recited in pending claims 47 and 51.

In rejecting the claims, the Examiner cites Linke as disclosing the features of the pending claims at Linke, paragraphs [0123], [0133], [0161], [0162], [0194], [0384], [0393] and [0530]. Applicant respectfully disagrees with the Examiner's interpretation of the disclosure of Linke for at least the following reasons.

Paragraph [0123] of Linke describes that "the browser 104 sends a request out over the network to fetch the airline information" and that when "the response comes back from the proxy server 180 …, the information for that flight will be displayed on the screen 101." (emphasis added). Thus, Linke discloses a request and a response. There is no teaching or suggestion of requesting or receiving first content and link content.

Similarly, Linke, Paragraph [0133], describes that when "the browser 104 requests a web document that corresponds to a CGI script, the browser 104 can append text parameters to the end of the base document URL…. Most CGI executables will then output dynamically generated HTML that is consequently returned to the browser 104 and displayed." (emphasis added). Again, Linke discloses a request and a response. Again, there is no teaching or suggestion in Linke of receiving first content and link content simultaneously.

Paragraphs [0162] of Linke discloses that a "reliable message layer … on the proxy server 180 reconstructs the original request message from the message fragments in the packets using the information contained in the RMP header area of each packet" (emphasis added). Further, Linke discloses that that "requested information (web page or e-mail) is then be fetched as a data object from the Internet 190, reformatted, and passed back to the reliable message layer 635" (emphasis added). Again, Linke discloses a request and a response and fails to teach or suggest receiving first content and link content simultaneously.

Paragraph [0194] of Linke describes a packet which contains a base document URL and compressed data. There is no teaching or suggestion of requesting or receiving first content and link content simultaneously.

The Examiner cites paragraph [0384] of Lincke as being relevant to the features of the pending claims. Paragraph [0384] of Lincke relates to hot link indices. A clearer understanding of paragraph [0384] may be obtained when read in the context of the preceding paragraphs. Specifically, paragraph [0382] of Lincke discloses that a "typical web document has numerous hot links that can be clicked on to bring the user to another document on the web, or to another scroll position within the same document. Each hot link, especially the ones that bring the user to another document on the web, can easily take up 100 bytes or more in the web document." Lincke, paragraph [0382] (emphasis added). Further, Lincke discloses that "[w]hen the user presses a hot link, the wireless client 405 tells the proxy server 180 the index corresponding to the pressed hot link. The proxy server 180 determines which

document to fetch by looking up the link information for the pressed hot link from the base HTML document." Lincke, paragraph [0383] (emphasis added).

Thus, the proxy server holds or has access to the base document. Thus, in accordance with the disclosure of Lincke, the user selects a hot link, the client informs the proxy server of an index, and the proxy server looks up the link in the document. The proxy server can then fetch and return the document to the client. Once again, Lincke fails to teach or suggest receiving first content and link content simultaneously.

Similarly, there is no teaching or suggestion of requesting or receiving first content and link content simultaneously in other cited portions of Lincke, including paragraph [0393] and [0530].

The Examiner argues that effectuating a process of simultaneously fetching the copy of the first content and the link content from the server is disclosed in Lincke, paragraphs [0104], [0194], [0383] and [0386]. Applicant respectfully disagrees with the Examiner's interpretation of these paragraphs of Lincke as applied to the pending claims.

Specifically, Lincke, paragraph [0104] discloses:

> "In order to achieve reasonable performance and cost over wireless networks, the browser 104 works in tandem with the proxy server 180. The wireless communications device 100 and proxy server 180 communicate with each other using a compressed transport protocol (CTP) built on top of IP. The goal of this protocol is to enable a user to fetch and display a web page on the wireless communications device 100 with a one packet request sent to the proxy server 180. Typically, a one packet response is returned to the wireless communications device 100" (emphasis added).

There is no teaching or suggestion in this section of Lincke of requesting or receiving first content and link content simultaneously.

As noted above, paragraph [0194] of Lincke fails to teach or suggest requesting or receiving first content and link content simultaneously. In fact, the packet contains a base document URL and compressed data. Further, Lincke, paragraph [0383] describes a proxy server fetching and returning a (single) document to a client and fails to teach or suggest the above-noted feature do the pending claims.

Lincke, paragraph [0386] relates to indirect hyperlinks. Specifically, this portion of Lincke discloses that " "when the user clicks on a hyperlink, the browser 104 cannot simply

ask the proxy server 180 for that hyperlinked document directly. Instead, the browser 104 tells the proxy server 180 to fetch the n'th hyperlink of the current document (the browser 104 knows the URL of the current document)." Lincke, paragraph [0386] (emphasis added). Further, Lincke discloses that "[i]n order to process this request, the proxy server 180 fetches the base document, looks up the URL of the 4th hyperlink in that document, fetches the document corresponding to the 4th hyperlink, and returns it to the wireless client 405" Lincke, paragraph [0386] (emphasis added). Thus, only the document corresponding to the 4th hyperlink is fetched and returned. There is no teaching or suggestion of fetching other documents associated with the document. Therefore, there is no teaching or suggestion of requesting or receiving first content and link content simultaneously.

Therefore, claims 47 and 51 are patentable for at least the above-noted reasons. Further, independent claims 24, 32, 53, 56 and 58 are patentable for similar reasons.

Therefore, independent claims 24, 32, 47, 51, 53, 56 and 58 are patentable. Further, claims 25-30, 33-35 and 48-50, 52, 54, 55, 57 and 59 each depend, either directly or indirectly, from one of allowable claims 24, 32, 47, 51, 53, 56 or 58 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date December 15, 2009

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I hereby certify that this correspondence is being deposited via EFS Web addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

On December 15, 2009

Signature Karen LePan

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Art Unit	Examiner
2161	NGUYEN, Cindy

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/G. Peter Albert, Jr./
Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.